

VZCZCXRO0117
OO RUEHBZ RUEH DU RUEHGI RUEHJO RUEHMR RUEHRN
DE RUEH KI #1791 3321220
ZNR UUUUU ZZH
O 281220Z NOV 06
FM AMEMBASSY KINSHASA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 5219
INFO RUEHXR/RWANDA COLLECTIVE PRIORITY
RUCNSAD/SOUTHERN AFRICAN DEVELOPMENT COMMUNITY PRIORITY
RUEAIIA/CIA WASHDC PRIORITY
RHEFDIA/DIA WASHDC PRIORITY
RHMFISS/HQ USEUCOM VAIHINGEN GE PRIORITY
RUFOADA/JAC MOLESWORTH RAF MOLESWORTH UK PRIORITY

UNCLAS KINSHASA 001791

SIPDIS

SENSITIVE
SIPDIS

E.O. 12958: N/A

TAGS: [PGOV](#) [KDEM](#) [KPKO](#) [CG](#) [ELECTIONS](#)

SUBJECT: KABILA DECLARED PRESIDENT; SUPREME COURT THROWS
OUT BEMBA'S CHALLENGES

REF: A. A. KINSHASA 1789

[1](#)B. B. KINSHASA 1788

[1](#)1. (U) Summary: The Supreme Court on November 27 certified the provisional results of the October 29 presidential runoff by declaring Joseph Kabila the victor of the DRC's first democratic presidential election in over 40 years. The Court also dismissed each of Jean-Pierre Bemba's eight electoral challenges. The Carter Center released its own analysis of on November 27, finding that the outcome of the presidential election was not affected despite some significant abuses. End summary.

[1](#)2. (U) The President of the Supreme Court declared Joseph Kabila the winner of the DRC's presidential election on November 27 at approximately 19:00 local time. The announcement followed the Court's hour-long announcement of its dismissal of all Jean-Pierre Bemba's electoral challenges. There were celebrations by Kabila supporters in Kinshasa following the announcement, with no violent gatherings or security incidents reported. Kabila's presidential inauguration is scheduled for December 6.

[1](#)3. (U) The Supreme Court preceded the announcement certifying Kabila's provisional victory by detailing its response to each of Bemba's eight electoral challenges. The Court reviewed the complaints and the arguments before declaring that all of the legal challenges were "unfounded."

[1](#)4. (U) The Carter Center had earlier released an analysis of irregularities in the voting process, which addressed many of the same concerns as raised by Bemba's challenge. (Note: The Carter Center's statement was forwarded to AF/C. This was the third statement by The Carter Center since the October 29 second-round presidential election. End note.) The Carter Center held that while abuses were observed, particularly in relation to voting by special dispensation ("derogation"), the use of special lists, and unusually high voter turnout in several specific regions, these factors did not materially affect the results of the presidential runoff. Regarding the votes by "derogation," one of Bemba's central complaints, the Center stated: "At most, 400,000 votes by exemption are in question across the country. The Center's analysis also shows that these questionable votes are evenly split between the two presidential candidates, indicating that the supporters of both candidates participated actively in perpetrating such fraudulent activities, and that both candidates benefited equally."

[1](#)5. (U) CIAT issued a declaration congratulating the Congolese people on November 28 after the Supreme Court's decision. CIAT further congratulated both President Kabila

on his victory and Bemba for his significant and respectable showing in the election, and called on all political actors to work together in the interests of the country. CIAT reiterated its call for all to respect the law and urged political leaders to appeal for calm among their followers and renounce violence.

¶6. (SBU) Comment. Bemba's attorneys, seemingly more interested in show than in substance, did not present or defend a strong case. The Carter Center, on the other hand, provided a good analysis of the relevant arguments and convincingly detailed how the irregularities failed to affect the outcome of the presidential race. The Carter Center did caution, however, that while irregularities did not affect the outcome in the presidential runoff, they may have had a negative impact on the Provincial Assembly elections (ref B), where a difference of even several hundred votes could potentially change an outcome. The Carter Center has urged the CEI to publish provincial assembly results by polling station so that the candidates and their supporters can determine whether or not to challenge results on the basis of already identified irregularities. End comment.

MEECE